IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 6457 OF 2001

Vitthal Marutirao Ekbote & anr. ..... Petitioner.

versus

The State of Maharashtra & anr..... Respondents

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Shri V.M. Ekbote, the petitioner no.1 in person – present.
Shri G.S. Kulkarni for the petitioner no.2.
Shri S.R. Nargolkar AGP for State.

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CORAM: V.G. PALSHIKAR &
D.B. BHOSALE, JJ.

DATED : 16TH SEPTEMBER, 2005

ORAL JUDGEMENT (Per Palshikar, J.) :

1. By this petition, the petitioner seeks a writ of mandamus directing respondents 1 and 2 to grant the petitioner the pay scale of Rs. 8000 – 13500 on the ground of parity. According to the petitioner, he is entitled to such parity on the basic principle of equal pay for equal work.

2. Since 27—6-1997 the petitioner is working in Pune University as

Personal Assistant after having been promoted to that post on that day. Thereafter the Government of Maharashtra revised the pay scale of non teaching employees of Non Agricultural Universities in Maharashtra State and the affiliated colleges by issuing Notification called "Maharashtra Non-Agricultural Universities and Affiliated Colleges Standard Code (revised pay of non- teaching employees) Rules, 1999". Accordingly, the Non Agricultural Universities in Maharashtra revised the pay scales of their non teaching staff. The Pune Univestity revised the salary of Executive Assistant to Vice-Chancellor from the grade of Rs. 2200 to 3700 to Rs. 7450 to 11500. Similarly the pay scale of Stenographer Selection Grade or Personal Assistant was revised from Rs. 2375 to 3500 to Rs. 7450 to 11500. It will thus be seen that so far as university of Pune is concerned, pay scales of the Executive Assistant to the Vice-Chancellor and Selection Grade Stenographer or Personal Assistant were revised to the same scale.

3. Shivaji University has also revised the pay scale of Personal Assistant and Stenographer Selection Grade from Rs. 2275 to 3500 to Rs. 7450 to 11500. Similar is the case of SNDT University, Amravati University, Nagpur University.

4. There is no dispute that the petitioner was working as Stenographer Selection Grade or Personal Assistant in the University. In Dr. Babasaheb Ambedkar Marathawada University the pay scale of Stenographer Selection Grade and Personal Assistant was same and was similarly revised. However in that university there was a post

of Personal Assistant to the Vice-Chancellor in the pay scale of Rs. 2200 to 4000 which has been revised to Rs. 8000 to 13500. Such post is not existing in Pune University though Pune University has Executive Assistant to Vice Chancellor in the grade of Rs. 2200 to 3700. It also has the post of Stenographer Selection Grade and Personal Assistant to which the petitioner belongs. According to the contention of the petitioner, both these are identical posts, and therefore factually have been upgraded in the same scale. Therefore the petitioner contended that there cannot be any disparity within the Pune University. Executive Assistant to Vice Chancellor and Personal Assistant to Vice Chancellor are two different posts and such post did not exist in Pune University. The post of Personal Assistant to Vice Chancellor in Dr. Babasaheb Ambedkar Marathawada University was equated to that of Assistant Registrar and therefore the pay scale was accordingly revised. The two universities i.e. Pune university and Dr. Babasaheb Ambedkar Marathawada University are two distinct entities. There is no parity of posts of work between the two.

5. Reliance was placed by the petitioner on several judgments of the Supreme Court and provisions of the Constitution to contend that the matter of parity has been violated in the present case. In C.R. Seshan and another Vs. State of Maharashtra and others reported in AIR 1989 S.C. Page 1287, the Supreme Court has very clearly observed that higher pay scale given on seniority cum merit basis does not become arbitrary only by reason of that there is some

similarity in the post. We have noted above that the post of Executive Assistant to Vice Chancellor and Personal Assistant to Vice Chancellor are two different posts. Personal Assistant to Vice Chancellor is the post not existing in pune University and therefore there is no question of any parity in the matter of pay scale. Hence the petition is devoid of any substance and therefore liable to be dismissed. It is accordingly dismissed.

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